



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,282	06/20/2003	Harold Keith Crain	120697	6344
7590	08/01/2006		EXAMINER AFZALI, SARANG	
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Sq. St. Louis, MO 63102			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,282	CRAIN ET AL.	
	Examiner	Art Unit	
	Sarang Afzali	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Amendment filed 4/27/2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 11-20 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II drawn to claims 11-20, in the reply filed on 04/27/2006 is acknowledged.

The traversal is on the ground(s) that according to the Applicant that because the inventions set out by the claims in Groups I and II are clearly related. Applicants submit that a thorough search and examination of either Group would be relevant to the examination of the other Group and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. 121. Accordingly, reconsideration of the election requirement is requested.

This is not found persuasive because the two groups are indeed patentably distinct as claimed by the Applicant. As set forth in the restriction requirement, the apparatus as claimed can be used to practice another and materially different process such as pushing an o-ring seal into a groove. Also, the search required for each of the different groups are dissimilar enough to show an undue burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/27/2006.

Response to Amendment

2. The applicant's amendment filed on 04/27/2006 has been fully considered and made of record.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritz et al. (US 3,872,565).

As applied to claim 11, Ritz et al. teach a tool (20, Fig. 1) including a blade engagement end (ring 38, Fig. 1) configured to engage the plurality of rotor blades between the rotor disc and the radially outer blade tip; at least one brace (spokes 44, Fig. 1) coupled to the blade engagement end (38, Fig. 1) at a first end of the brace (44, Fig. 1) and a guide end (cylindrical hub 42, Fig. 1) coupled to a second end of the brace (44, Fig. 1).

Note that Ritz et al. tool only needs to engage more than one rotor blade in order to meet the claim limitation of "plurality of rotor blades" and it is clear that, if needed, one may be able to manipulate the tool of Ritz et al. by holding it in an angle and/or different orientation in order to engage at least couple of rotor blades, if not more.

As applied to claim 12, Ritz et al. teach blade engagement end (38, Fig. 1) has a circular cross-section.

As applied to claim 13, Ritz et al. teach blade engagement end (38, Fig. 1) includes a body with central opening extending therethrough.

As applied to claim 14, Ritz et al. teach blade engagement end (38, Fig. 1) includes a pad (circular plates 72, 74, 76, 78, Fig. 3a) coupled to the engagement face.

As applied to claim 15, Ritz et al. teach pads (72, 74, 76, 78, Fig. 3a) have second hardness number.

As applied to claim 16, Ritz et al. teach the engagement end (38, Fig. 1) has a first rifled engagement side configured to conform to what it needs to install.

As applied to claim 17, Ritz et al. teach the brace (44, Fig. 2) is configured to maintain the engagement end (38, Fig. 2) in alignment with guide end (42, Fig. 2) during the installation process.

As applied to claim 18, Ritz et al. teach the guide end (hub 42, Fig. 2) has a body that includes a central opening (opening in hub 42, Fig. 2) therethrough sized to receive a guide shaft (post 36, Fig. 2) therethrough.

As applied to claim 19, Ritz et al. teach the guide end (hub 42, Fig. 2) and guide shaft (post 36, Fig. 2) are slidingly coupled to each other.

As applied to claim 20, Ritz et al. teach the tool (20, Fig. 1) is capable of being manually rotated during installation by means of the handle (braces 44, Fig. 1).

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Thus, Ritz et al. is capable of performing the intended use and therefore meet the claimed invention.

Response to Arguments

5. Applicant's arguments filed on 04/27/2006 have been fully considered but they are not persuasive.
6. Applicant's arguments, see "Remarks", page 1, paragraph (6) regarding objection to the specification have been fully considered and are persuasive. Therefore, the objection to the specification has been withdrawn.
7. Applicant's arguments, see "Remarks", page 1, paragraph (7), and page 2, paragraph (1) regarding the rejections of claims 13-15 under 35 USC 112 2nd paragraph have been fully considered and are persuasive. Therefore, the rejections of claims 13-15 under 35 USC 112 2nd paragraph have been withdrawn.
8. As for claim 11, rejected under 35 USC 102(b) as anticipated by Ritz et al. in an office action mailed on 02/09/2006, Applicant argues in "Remarks", page 2, paragraph (5), that Ritz et al. do not describe nor suggest a rotor blade installation tool as recited in Claim 11. More specifically, Ritz et al. do not describe nor suggest a rotor blade installation tool including a blade engagement end configured to engage a plurality of rotor blades. Moreover, Ritz et al. does not describe nor suggest engaging the blades between the rotor disc and the radially outer blade tips. Rather, in contrast to the present invention, Ritz et al. describe a seal installation fixture for installing seals in the

head of a reactor vessel wherein the seal installation fixture engages the reactor head seal at the outer periphery of the seal.

The Examiner respectfully disagrees with the above arguments.

Note that Ritz et al. teach a tool that is well capable of installing a rotor blade to a rotor disc as claimed by the Applicant. Ritz et al. tool has a blade engagement end configured to engage a plurality of rotor blades.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Thus, Ritz et al. is capable of performing the intended use and therefore meet the claimed invention.

The Applicant needs to recite a more detailed structure of the claimed tool in order to further differentiate it from the tool of Ritz et al. such as the position/angle of braces (410), end guide (412) and blade engagement end (402).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/600,282
Art Unit: 3726

Page 8

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA

SA

7/10/2006

Marc Jimenez
MARC JIMENEZ
PRIMARY EXAMINER
7-12-06